

CUSTOMER NO.: 24498
Serial No.: 10/518,226

PATENT
PU020288

FAX RECEIVED

APR 13 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF PETITIONS

Inventors: Carl Christensen

Examiner: Christine Trinh Le Tu

Serial No.: 10/518,226

Art: 2138

Filed: December 16, 2004

Title: Method Of Forward Error Correction

Petition under 37 CFR 1.313

-- Petition To Withdraw From Issue --

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please consider this petition to withdraw from Issue, as well as the Request for Continued Examination and Supplemental IDS filed simultaneously herewith.

Note that the Issue Fee was paid on March 23, 2007.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 2313-1450 on 4-13-2007 at facsimile number (571)273-0025.


Tracey Campbell

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REMARKS

In a Notice of Allowance dated January 10, 2007, and a Supplemental Notice of Allowance mailed February 22, 2007, the Examiner noted that the Applicants' claims 1-13 and 15-31, in the above identified patent application are allowed. Applicants paid the Issue Fee on March 23, 2007.

However, in review of the Applicants' corresponding worldwide patent applications, the Applicants noticed that several references cited in the prosecution of the corresponding European patent application were inadvertently not cited in this U.S. application. The references were cited in a Supplemental European Search Report completed on February 20, 2007. To correct this inadvertent error, and to provide the Examiner an opportunity to consider this art, the Applicant is submitting herewith an RCE and an accompanying Supplemental IDS including the Search Report and the references cited in the prosecution of the corresponding European patent application.

Applicants submit that providing the Examiner the opportunity to review the art constitutes good and sufficient reason to withdraw this application from issue. Furthermore, Applicants have been diligent in discovering the oversight in as much as the accompanying IDS is being submitted well within the standard 3 month period provided by 37 C.F.R. § 1.97 (e) (1).

The Applicants respectfully submit that the Applicants' claims are now in allowable form over any and all of the references cited in the prosecution of the corresponding European patent applications. Consequently, the Applicants believe that all these claims remain in condition for allowance.

If the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is earnestly requested that the Examiner telephone the undersigned.

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The Director is hereby authorized to charge the Petition fee of \$130.00 as required by 37 C.F.R. § 1.17 (h) to Deposit Account No 07-0832. If any other charges or credits are due, these may also be charged to the Deposit Account.

Respectfully submitted,

Carl Christensen

By:


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April 13, 2007